

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**ONE PLACE CAPITAL,**

**Plaintiff,**

**v.**

**MICHAEL OAKES,  
*individually and doing business as*  
NEOGRAFT RESOURCES, LLC,**

**Defendant.**

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**Civil Action No. 4:18-cv-829-SDJ-KPJ**

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On August 2, 2021, the Magistrate Judge entered proposed findings of fact and recommendations (Dkt. #50) that Plaintiff One Place Capital's ("Plaintiff") Motion for Summary Judgment (the "Motion") (Dkt. #33) be granted.

Having received the Report of the United States Magistrate Judge, and no timely objections being filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

Accordingly, the Motion (Dkt. #33) is **GRANTED** and summary judgment is **ENTERED** in favor of Plaintiff on its conversion and Texas Theft Liability Act ("TTLA") claims.

Defendant Michael Oakes ("Oakes") is **ORDERED** to pay Plaintiff in the amount of \$96,590.00 for Plaintiff's conversion and TTLA claims.


Plaintiff's prayer for pre-judgment interest is **GRANTED. IT IS ORDERED** that Oakes is to pay Plaintiff pre-judgment interest at a rate of five percent (5%), accruing from November

21, 2018, until the day before entry of final judgment. **IT IS FURTHER ORDERED** that the pre-judgment interest rate shall be computed as simple interest, not compound interest.

Plaintiff's prayer for post-judgment interest is **GRANTED. IT IS ORDERED** that Oakes is to pay Plaintiff post-judgment interest, to be calculated at the applicable federal rate under 28 U.S.C. § 1961.

Plaintiff's prayer for attorney fees and costs is **GRANTED. IT IS ORDERED** that Oakes shall pay Plaintiff in the amount of \$17,091.00 for attorney fees and \$400.00 for costs.

**So ORDERED and SIGNED this 1st day of September, 2021.**

  
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SEAN D. JORDAN  
UNITED STATES DISTRICT JUDGE